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MAY 10 1991

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. James Moorman, Esq.  
Cadwalader, Wickersham & Taft  
1333 New Hampshire Avenue, N.W.  
Washington, D.C. 20036

Re: Asbestos Dump Superfund Site  
Notice Pursuant to Administrative Consent Order  
Index No. CERCLA 50103 (April 1985)

Dear Mr. Moorman:

Pursuant to Section IV. B. of the Administrative Consent Order (the "ACO") referenced above, the United States Environmental Protection Agency (EPA) is writing to advise your client, National Gypsum Inc., that it intends to undertake and has already began the Remedial Investigation ("RI") and Feasibility Study ("FS") for two of the four subsites which comprise the Asbestos Dump Superfund Site. Specifically, EPA intends to complete the RI/FS for the two residential satellite sites at New Vernon Road and White Bridge Road located in Morris County, New Jersey, (the "residential sites").

National Gypsum, during a meeting held on April 12, 1991, agreed to proceed with RI/FS activities at the third satellite site, the Dietzman Tract in the Great Swamp Wildlife Refuge pursuant to the ACO. National Gypsum has already completed the RI/FS for the main site referenced in the ACO, the Millington site. The Remedial Design/Remedial Action work is now underway at the Millington site pursuant to a separate unilateral order.

EPA bases its decision to pursue the RI/FS work at the two residential sites on Paragraph VI. A. of the ACO, Enforcement Actions, page 10. That paragraph provides that EPA may, after notice to Respondent, institute federally funded response actions and subsequently pursue cost recovery actions under certain circumstances. Although National Gypsum has previously been informed at a meeting held on January 31, 1991 of EPA's inclination to do the RI/FS work, this letter will serve as your official notification pursuant to Paragraph IV, pages 8-9.

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|--------------|---------|-----------|-------------|---------|---------|---------|
| SYMBOL --->  | NNJS II | NNJS II   | ORC         | ORC     | ORC     | NNJS II |
| SURNAME ---> | BAKTER  | O'CONNELL | FISK-WRIGHT | POONEY  | KARLEN  | BASSO   |
| DATE ----->  | 5/10/91 | 5/10/91   | 5/10/91     | 5/10/91 | 5/10/91 | 5/10/91 |

The ACO provides that, notwithstanding the order, EPA may undertake further response actions including removal activities 1) upon their occurrence or discovery, or 2) when the action is necessary to abate an imminent and substantial endangerment to the public health, welfare or the environment. Without limiting itself to these two provisions of Paragraph VI. A., EPA believes that they directly apply to the situation at hand.

As you are aware, EPA analyzed soil samples in August 1990, which showed the presence of 5% chrysotile asbestos at the two residential sites. The Agency for Toxic Substances and Disease Registry (ATSDR) in August 1990, issued a draft public health advisory which culminated in a final public health advisory that was issued on December 20, 1990. Copies of the health advisory have been provided to you by the Office of Regional Counsel. In response to the health advisory, EPA undertook a removal action, which began in August 1990 and concluded in January 1991, at the two residential sites. Such activities are completely consistent with the enforcement action provision of Paragraph VI. A of the ACO.

The purpose of the removal action was to reduce the amount of exposed asbestos at the two sites and therefore, reduce the potential for human contact with the exposed asbestos. Asbestos is a known human carcinogen. Inhalation of asbestos fibers may cause lung cancer and mesothelioma in humans. Adults and children currently reside at these sites. Since EPA established that exposed asbestos at the site posed an imminent and substantial threat to human health, the emergency removal action was deemed necessary.

During the course of the removal action, EPA conducted extensive sampling including, but not limited to, air monitoring for asbestos at the two residential sites. This sampling was performed in order to determine the extent of the planned removal action. The removal action included installation of fences around asbestos contaminated areas, decontamination of buildings, and the covering of a horseback riding track and landfill areas located on the residential sites with geotextile fabric or asphalt.

During the removal action, sufficient data was collected to characterize contamination present at the sites. This data will be used by EPA to select a remedy to permanently reduce risks posed at these sites from asbestos. This remedy will be documented in a Record of Decision. Although the removal action performed at the sites has temporarily reduced some potential for human exposure to asbestos, EPA will select a remedy to permanently reduce the existing health risks.

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Because EPA has collected sufficient data to characterize the asbestos contamination of the soils at the residential sites, and, because the Agency is concerned that substantial risks from exposed asbestos be permanently reduced at these residential sites in an expeditious manner, EPA has decided to proceed in conducting the RI/FS. The preparation of the RI/FS Report is now underway, as you were advised in a meeting held on March 5, 1991 with Douglas R. Blazey, Regional Counsel and Carolyn Fiske Wright, Assistant Regional Counsel. EPA believes that its decision to produce the final RI/FS at the two residential sites is reasonable and consistent with the ACO. EPA has agreed to allow National Gypsum to comment on the draft RI/FS Reports. As you are aware, EPA and National Gypsum have agreed that these comments are due on or before April 30, 1991. National Gypsum's comments will be addressed by EPA and incorporated into the final RI/FS Reports as appropriate. Upon finalizing the RI/FS Reports, EPA will release them to the public for comment. At that time, National Gypsum will have another opportunity to comment on these reports.

If you have any questions concerning this letter, please contact Carolyn Fiske Wright of the Office of Regional Counsel, New Jersey Superfund Branch at (212) 264-3278.

Sincerely yours,

Raymond Basso, Chief  
New Jersey Superfund Branch II

cc: Rebecca Beasley, Esq., National Gypsum Company  
Ed Kaup, NJDEP

bcc: Carolyn Fiske Wright, ORC-NJSB

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